



PATENT
0760-0262P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yukoh HIEI et al. Conf.: 7108
Appl. No.: 09/229,324 Group: 1638
Filed: January 13, 1999 Examiner: HELMER, G.L.
For: METHOD FOR TRANSFORMING MONOCOTYLEDONS

DECLARATION REGARDING DEPOSIT OF MICROORGANISMS

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Toshihiko Komari, do hereby declare as follows:

1. I am a listed co-inventor of the subject matter of the above-identified U.S. Patent application, receiving mail care of Japan Tobacco, Inc., Plant Breeding and Genetics Research Laboratory, 700 Higashibara, Iwata-shi, Shizuoka 438 Japan.

2. I am an employee of Japan Tobacco, Inc., the Assignee of the above-reference U.S. patent application by virtue of an Assignment recorded June 25, 1996 at Reel 8069, Frame 0169.

3. The plasmid pTOK162 is illustrated in Figure 1 of the above-referenced application was prepared as described in the specification at page 12, line 24 to page 13, line 10.

4. Prior to the filing of the above-referenced application, *E. coli* MC1000 harboring the plasmid pTOK162 were cultured in LB

medium. Samples of this culture were suspended in 15% glycerol solution and stored at -80°C in a laboratory freezer at the Plant Innovation Center of Japan Tobacco, Inc., 700 Higashibara, Iwata-shi, Shizuoka, Japan. These samples have remained under my control at this location since the filing of the above-referenced patent application.

5. For preparing a deposit of the plasmid pTOK162, a sample of the *E. coli* MC1000 harboring the plasmid pTOK162, described above, was cultured and the plasmid was purified by cesium chloride density gradient centrifugation, and its structure was verified by restriction enzyme mapping. Additional samples of the culture were suspended in 15% glycerol solution and stored at -80°C in a laboratory freezer at the Plant Innovation Center of Japan Tobacco, Inc., 700 Higashibara, Iwata-shi, Shizuoka, Japan. These samples have remained under my control at this location up to the time of deposit.

6. The above samples were deposited under the terms and conditions of the Budapest Treaty at the Incorporated Administrative Agency National Institute of Technology and Evaluation Patent Microorganisms Depositary (NPMO), 2-5-8 Kazusakamatari Kisarazu-shi, Chiba-ken 292-0818, Japan, on the indicated date below.

<u>Deposit Date</u>	<u>Scientific Description</u>	<u>Depository Designation</u>
Sept. 30, 2004	plasmid pTOK162	Nite BP-24

7. The above depository affords permanence of the deposit and ready accessibility thereto by the public if a patent is granted, under conditions which assure (a) that access to the culture will be available during pendency of said patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. 122, and (b) that all restrictions on the availability to the public of the above-mentioned culture will be irrevocably removed upon the granting of a patent.

8. It is my understanding that the specification of the above-referenced application will be amended to refer to the deposited strain by deposit number and name and address of the depository.

9. The undersigned hereby assures the permanent availability of said culture to the public through the above depository and in the event that any of the strains should become non-viable, mutate or inadvertently be destroyed, the undersigned will replace the strains at the above-mentioned depository.

The above-mentioned deposit will be maintained (1) for thirty (30) years from the date of deposit, (2) for five (5) years after

the last request for the deposit at the depository which is made during the enforceable life of any patent which will issue from the above-identified application or (3) for the enforceable life of any patent which issues from the present application, whichever is longer.

10. Attached hereto is a copy of paper(s) from said depository evidencing the agreement between said depository and the depositor.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 12, 2005

By Toshihiko Komari
Toshihiko Komari

(国際要領)

様式第4

特許手続上の微生物の寄託の国際的承認に関するブダペスト条約

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

国際様式

INTERNATIONAL FORM

下記国際寄託当局によってブダペスト条約に基づく規則
7.1に従い発行される。

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

原寄託についての受託証

寄託者 氏名(名称)

日本たばこ産業株式会社
代表者 本田 勝彦

様

ローマ字音訳
英訳

Japan Tobacco Inc.
Katsuhiko Honda

住所 〒 105-8422

東京都港区虎ノ門二丁目2番1号

ローマ字音訳

Tokyo-to Minato-ku Toranomon Ni-chome Ni-ban Ichi-gou

I. 微生物の表示 IDENTIFICATION OF THE MICROORGANISM	
識別の表示: pTOK162	受託番号: NITE BP-24
II. 科学的性質及び分類学上の位置 SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
I 欄の微生物には、次の事項が記載されている: <input type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置	
III. 受領および受託 RECEIPT AND ACCEPTANCE	
本国際寄託当局は、2004年9月30日 (原寄託日)に受領した受領番号 NITE ABP-24 のI 欄の微生物を受託する。	
IV. 移管請求の受領 RECEIPT OF CONVERSION OF DEPOSIT TO A DEPOSIT UNDER THE BUDAPEST TREATY	
本国際寄託当局は、(原寄託日)に寄託された からブダペスト条約に基づく寄託への移管請求を (移管日)に受領した。	
V. 国際寄託当局 INTERNATIONAL DEPOSITARY AUTHORITY	
名称: 独立行政法人製品評価技術基盤機構特許微生物寄託センター INCORPORATED ADMINISTRATIVE AGENCY NATIONAL INSTITUTE OF TECHNOLOGY AND EVALUATION PATENT MICROORGANISMS DEPOSITARY (NPMD) センター長 和唐 末信 Suenobu Wato, Director-General	
住所: 〒292-0818 日本国千葉県木更津市かずさ鎌足2-5-8 2-5-8 Kazusakamatari Kisarazu-shi, Chiba-ken 292-0818, JAPAN	
2004年11月22日	